

Yoshiaki YOKOYAMA et al.
Application No. 09/676,367

Attorney Docket Number: Yaguchi-0012

REMARKS

This is in full and timely response to the non-final Office Action mailed January 25, 2002. Reconsideration in light of the following remarks is respectfully requested.

Claim 23 and 36 are amended for clarity and no new matter was added. Applicants thank the Examiner for indicating that claims 34 and 35 are allowable. Claims 1-36 are currently pending in this application with claims 1-13, 15-19, 21-33 and 36 are pending for the Examiner's reconsideration, with claims 1, 7, 11, 13, 22, 23, 32, 33, 34 and 36 being independent.

Information Disclosure Statement

The Examiner pointed out that the information disclosure statement filed 8/22/01 fails to comply with 37 CFR 1.98(a)(3) for not including a concise explanation of the relevance. However, the applicant would like to inform the Examiner that the explanation of the relevance in English language is still under preparation and will be filed with the U.S.P.T.O. as soon as they are ready. Similarly, Document 8-501601 will be prepared and sent with the relevant documents.

Rejection under 35 USC article 112

The examiner rejected claims 23-31 and 36 under 35 USC section 112, second paragraph for indefiniteness. By this Amendment, applicants have amended claim 23 to satisfy the antecedent basis requirement and claim 36 to delete excess

Yoshiaki YOKOYAMA et al.
Application No. 09/676,367

Attorney Docket Number: Yaguchi-0012

verbiage to improve clarity. Withdrawal of these rejections is respectfully requested.

Rejection Under 35 USC article 102

The examiner rejects claims 1-13, 15-19, 21-23, 25-29, 31, 32, 33 and 36 under 35 U.S.C 102 relied on Rickard (USP 5,103,578). In the office action, the examiner pointed out that Rickard shows at least a part of the organic halides in the soil is thermally decomposed in the hermetic zone under reduced pressure.

However, Rickard does not suggest nor disclose that at least a part of the organic halides is thermally decomposed by heating the first soil under reduced pressure. Rickard only shows a process for vaporizing the contaminants by heating under reduced pressure, and collecting the contaminants in a concentrated liquid state (column 4, lines 57- column 5, line 7, column 8, lines 1-13, for example). Therefore, a process of Rickard is just a process for concentration of the contaminants. To the contrary, the contaminants (organic halides) are thermally decomposed in the invention. The applicant believes that the examiner understood this distinction between the two inventions during the interview.

The present invention introduces the first soil to a hermetic zone and thermally decomposes at least a part of the organic halides by heating the first soil under reduced pressure. In this process, organic halides contained in a soil and in a gaseous fraction that has been emitted from the soil by heating are thermally decomposed in the reduced pressure.

Yoshiaki YOKOYAMA et al.
Application No. 09/676,367

Attorney Docket Number: Yaguchi-0012

Therefore, those claims cannot be rejected over Rickard and thus should be allowable.

Furthermore, the examiner rejected claims 7, 13, and 23 over Rickard for the same reasons. However, in these claims, the heated residue of the first soil is cooled after purging in the hermetic zone by a purge gas which is substantially organic halide-free and not capable of generating organic halides. The point of those claims is cooling the heated residue after purging so as to suppress a re-synthesizing reaction of organic halides. Rickard fails to show or disclose the suppression of a re-synthesizing reaction of organic halides during the cooling process. This is naturally understood since Rickard does not decompose the organic halides thus it is not necessary to suppress the re-synthesizing reaction.

The applicant believes that claims 7, 13, 23 and their dependent claims are not anticipated by Rickard. Therefore, they should be allowable.

Accordingly, this rejection is improper and must be withdrawn.

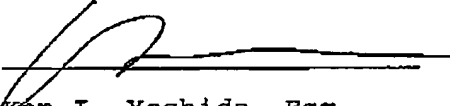
Yoshiaki YOKOYAMA et al.
Application No. 09/676,367

Attorney Docket Number: Yaguchi-0012

For the foregoing reasons, all claims 1-13, 15-19, 21-33 and 36 pending in the present application are believed to be clearly patentable over the prior art of record, and this application is in condition for allowance for all claims 1-36. A Prompt and favorable action is courteously solicited.

Respectfully submitted,

Date: July 11, 2002


Ken I. Yoshida, Esq.

Reg. No. 37,009

KNOBLE & YOSHIDA LLC
Eight Penn Center, Suite 1350
1628 John F. Kennedy Blvd.
Philadelphia, PA 19103
(215) 599-0600

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I certify that this document, along with any document referred to as being attached, is being deposited with the

U.S. Postal Service as first class mail on July 11, 2002, under 37 C.F.R. §1.8 and is addressed to the Assistant

Commissioner for Patents, Washington, D.C. 20231.

Iris C. Rousey

Name of person signing document


Signature of person signing document